

**Notice of Allowability**

Application No.

10/544,164

Examiner

Layla Bland

Applicant(s)

BOSTROM ET AL.

Art Unit

1623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's remarks submitted July 9, 2007.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

This office action is a response to Applicant's response submitted July 9, 2007, wherein a statement that the subject matter contained in Rydgren et al. (US 2005/0000391, PCT filed November 26, 2002) and the present application were, at the time the invention of the present application was made, owned by Akzo Nobel nv.

It is acknowledged that this application is a national stage entry of International Application No. PCT/SE04/00041, filed January 16, 2004 and claims priority to Swedish Application No. 0300235-9, filed January 31, 2006.

Claims 1-12 are pending in this application and are examined on the merits herein.

Applicant's statement regarding the 103(a) rejections of claims 1-4 and 6-12 under U.S.C. 103(a) over Rydgren et al. (US 2005/0000391, PCT filed November 26, 2002), that at the time the invention of the instant application was made, the instant application and Rydgren et al. (US 2005/0000391, PCT filed November 26, 2002), were owned by the same person or subject to an obligation of assignment to the same person, Akzo Nobel nv, is found persuasive. See MPEP § 706.02(k) and § 706.02(l). Therefore, the rejections of claims 1-4 and 6-12 have been withdrawn.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The claimed compounds, compositions, and methods of preparing the same are adequately described in the specification in such a way as to enable one skilled in the art to practice the invention. Examples 1-6 and Table 1, found on pages 7-10 of the specification, illustrate the preparation of cellulose ethers and having the claimed degrees of substitution and properties. Example 7 and Tables 2-4, found on pages 10-13 of the specification, illustrate paint compositions comprising the claimed cellulose ethers.

The reference relied upon in the rejections made in the office action dated March 9, 2007, Rydgren et al. (US 2005/0000391), is unavailable as a reference because the subject matter contained therein was commonly owned at the time the present invention was made. The closest prior art other than the Rydgren reference, Berglund et al. (US 2005/0176951, PCT filed November 26, 2002, also assigned to Akzo Nobel Inc.), discloses methyl ethyl hydroxyethyl cellulose ethers but not those ethers having the claimed substitutions and properties, nor methods of making the same.

Accordingly, applicant's response submitted July 9, 2007 is sufficient to remove all rejections made in the prior office action as discussed above and to place the application in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Layla Bland whose telephone number is (571) 272-9572. The examiner can normally be reached on M-R 8:00AM-5:00PM UST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Anna Jiang can be reached on (571) 272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Layla Bland  
Patent Examiner  
Art Unit 1623  
August 30, 2007

Shaojia Anna Jiang



8/31/07

Supervisory Patent Examiner  
Art Unit 1623  
August 30, 2007